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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/118,100 07/17/98 LEE

H 678-139 (P841)

EXAMINER

WM02/1023

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ART UNIT

PAPER NUMBER

2681

DATE MAILED:

10/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/118,100

Applicant(s)  
Lee

Examiner  
Erika A. Gary

Art Unit  
2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 2, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-8, 11, and 12 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-8, 11, and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art made of record in paper no. 14, Whitmore, US Patent Number 6,108,277 (hereinafter Whitmore) in view of Klausner et al., US Patent Number 5,375,018 (hereinafter Klausner).

Regarding claim 1, Whitmore discloses an apparatus for displaying local time information, comprising: means for storing Greenwich mean time (GMT) information for each of a plurality of cities; means for setting a reference time; means for counting a duration of time that elapses from when said reference time is set; means for selecting at least one of said plurality of cities and automatically calculating a local time of said selected city, said local time being based on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time; and means for outputting said local time [abstract; col. 8: lines 29-45].

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What Whitmore does not specifically disclose is the that the reference time is acquired from a signal received from a remote system. However, this limitation is taught by Klausner as will be discussed below.

Klausner discloses an apparatus for displaying local time information based on a present location of said apparatus wherein the reference time is acquired from a signal received from a remote system [col. 1: lines 44-55].

Whitmore and Klausner are combinable because they are from the same field of endeavor, that is, apparatuses for displaying local time information. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Whitmore to include Klausner. The motivation for this combination, would have been to obtain the reference time information from an outside source to reduce the number of necessary components in the apparatus in order to reduce cost, size, and weight and further to avoid the need to use excess battery power to continually maintain the reference time information when the apparatus is deactivated.

Regarding claim 2, it would be obvious for the apparatus to be a mobile telephone based on Klausner's disclosure that the invention is useful for portable timepieces [col. 10: lines 40-42].

Regarding claim 5, it would be obvious to include the reference time as a system time acquired from a sync channel message received by said mobile phone from a base station of a CDMA cellular system based on Klausner's disclosure that the reference time information is

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obtained by radio frequency information transmitted to the device [col. 1: lines 47-55; col. 2: lines 26-35].

3. Claims 6-8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitmore in view of Klausner.

Regarding claim 6, Whitmore discloses in an apparatus having a display and a memory for storing Greenwich mean time (GMT) information for each of a plurality of cities, a method for generating local time information, comprising the steps of: setting a reference time; counting a time which elapses from said setting of said reference time; selecting at least one of said plurality of cities; automatically calculating a local time of said selected city based on a difference between the GMT of a present location of said apparatus, said reference time and said elapsed; and displaying said calculated local time [abstract; col. 8: lines 29-45].

What Whitmore does not specifically disclose is the that the reference time is acquired from a signal received from a remote system. However, this limitation is taught by Klausner as will be discussed below.

Klausner discloses an apparatus for displaying local time information based on a present location of said apparatus wherein the reference time is acquired from a signal received from a remote system [col. 1: lines 44-55].

Whitmore and Klausner are combinable because they are from the same field of endeavor, that is, apparatuses for displaying local time information. At the time of the invention,

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it would have been obvious to one of ordinary skill in the art to modify Whitmore to include Klausner. The motivation for this combination, would have been to obtain the reference time information from an outside source to reduce the number of necessary components in the apparatus in order to reduce cost, size, and weight and further to avoid the need to use excess battery power to continually maintain the reference time information when the apparatus is deactivated.

Regarding claim 7, Klausner discloses the step of displaying a message to set a reference time if said step of setting a reference time does not occur [col. 6: lines 13-26].

Regarding claim 8, Whitmore discloses said step of selecting includes the substeps of: displaying a list of said plurality of cities; and scrolling through said list to select a desired one of said plurality of cities [col. 8: lines 49-54].

Regarding claim 11, it would be obvious for the apparatus to be a mobile telephone based on Klausner's disclosure that the invention is useful for portable timepieces [col. 10: lines 40-42].

Regarding claim 12, it would be obvious to include the reference time as a system time acquired from a sync channel message received by said mobile phone from a base station of a CDMA cellular system based on Klausner's disclosure that the reference time information is obtained by radio frequency information transmitted to the device [col. 1: lines 47-55; col. 2: lines 26-35].

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***Response to Arguments***

4. Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Gary whose telephone number is (703) 308-0123. The examiner can also be reached on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750 or to the 2600 Customer Service Office at (703) 306-0377


**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive Arlington, VA., Sixth Floor (Receptionist).

Erika Gary   
October 15, 2001

  
**TRACY LEGREE**  
**PRIMARY EXAMINER**